

next annual charter election, vote upon the question by ballot. Such election shall be held at the same place or places, and under the same rules and regulations, as govern said city at its annual charter election, except as otherwise provided in this act. The vote shall be taken upon all the amendments herein provided together. Every elector residing in said city and qualified to vote at the charter election, may vote upon such question. The ballots shall be: "For charter amendment relating to the offices of city treasurer and marshal," and "Against charter amendment relating to the offices of city treasurer and marshal," and shall be taken and kept in a separate ballot-box from the ballots for city officers. If the majority of such ballots shall have thereon, "For the charter amendment," this act shall be in full force from and after the first day of May, 1885, and if a majority of the ballots shall have thereon, "Against charter amendment," this act shall be inoperative and of no force. Returns shall be made, canvassed, and result determined under the same rules and regulations as govern in the charter election of said city.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1885.

[No. 255, A.]

[Published April 6, 1885.]

CHAPTER 221.

AN ACT to amend chapter 162, of the laws of 1877, incorporating the city of New London.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1, of sub-chapter 3, of chapter 162, of the laws of 1877, is hereby amended so as to read as follows: "Section 1. The elective officers of said city shall be a mayor, treasurer, city clerk, city attorney, justice of the peace, assessor, school commissioner, street commissioner, chief of police, and city surveyor, to be elected by

Section one amended.

the city at large, and the following officers to be elected from each ward, viz.: One alderman, one school commissioner, one supervisor to represent the ward in the board of supervisors of the county, one justice of the peace and one constable. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council.

Section six amended.

SECTION 2. Section 6, of sub-chapter 4, of said chapter 162, is hereby amended so as to read as follows, viz.: Section 6. The street commissioner shall see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, bridges, alleys, public grounds, gutters, sewers and rivers in said river are duly observed and kept, and shall control all persons employed therein, and have the general supervision over all work let by contract for the making, grading paving, graveling, repairing and cleaning of streets, bridges, sidewalks, alleys, reservoirs and gutters, unless the common council shall otherwise direct, and he shall perform such other duties as may be prescribed by this charter and the ordinances of said city. He shall also cause all laws and ordinances in force in said city in relation to animals running at large to be observed and kept, and it is hereby made his duty to take up and impound such animals and he shall also be the poundmaster or keeper. He shall be liable to removal from office for incompetency or official misconduct by the common council in the manner provided by this act. He shall receive such compensation for his services as the common council may determine, and not less than three hundred and not exceeding six hundred dollars per annum.

Section seven amended.

SECTION 3. Section 7, of said sub-chapter 4, is hereby amended so as to read as follows, viz.: Section 7. The city surveyor shall be practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix his fees and compensation for any services performed by him, and all surveys, profiles, plans or estimates made by him for the city or either of the wards, shall be the property of the city and shall be carefully preserved in the office of said surveyor and delivered by him to his successor in office and

shall be kept as public records, open to the inspection of the public.

SECTION 4. Section 1, of sub-chapter 7, of said chapter 162, is hereby amended so as to read as follows: "Section 1. All public improvements provided for by this act, excepting bridges costing more than five hundred dollars and those payable from the school fund, shall be made at such time and in such manner as the common council shall by resolution, order or ordinance, determine and direct, subject to the following provisions, unless otherwise specially provided for by this act.

Section one of sub-chapter seven amended.

1st. All public improvements payable out of any fund belonging to the city, with the above exceptions, shall be let by a written contract to the lowest bidder, who shall secure the performance of said contract by a bond with good and sufficient sureties, to be approved by the common council.

2d. The repair of all public improvements and the necessary expenses in keeping them in a cleanly condition, whether such improvements were originally paid for out of the general fund of the city, or by assessment against the real property abutting thereon, shall be paid for out of the general fund of the city, and it shall be the duty of the street commissioner to make such repairs and keep said improvements in a cleanly condition, unless otherwise directed by the common council.

3d. All public highways, except streets and alleys and all crossings, cross walks, gutters and sewers at street crossings shall be constructed and kept in repair by the city.

4th. The expense of all surveys, maps, profiles, estimates, etc., for establishing the grade of streets, sidewalks, or for other public improvements shall be paid by the city.

SECTION 5. Section 2, of said sub-chapter 7, is hereby amended so as to read as follows: "Section 2. The expense of opening, grading, graveling, planking and paving streets, to the center thereof, in the manner and upon the grade established by the common council, by resolution or order, shall be chargeable to and a lien upon the lots abutting said streets along the line of such improvements. The construction of sidewalks, gutters and sewers, in the manner and upon the

Section three of sub-chapter 7 amended.

grade ordered or established by the common council, shall be at the expense of the lot or lots in front of which the same shall be ordered: Provided that sewers ordered for the drainage of lots upon which there is stagnant water shall be paid for, the entire length, by the lots or parts of lots benefited thereby in such proportions as may be determined by the common council, without reference to the owner. But no order for the making of special improvements to be assessed against the adjoining lots shall be made by the common council unless upon the petition of a majority of the resident property holders interested therein, and who shall own at least one-half of the property fronting on such street or upon an unanimous vote of all the aldermen elect.

Section three
of sub-chapter
7 amended.

SECTION 6. Section 3, of said sub-chapter 7, is hereby amended so as to read as follows: Section 3. Whenever any improvement provided for by this sub-chapter, shall be ordered by the common council, they shall cause an estimate of the whole expense thereof to be made and the proportion charged to each lot, and in case of grading or graveling of streets, the number of cubic yards of filling or excavation in front of each lot, which estimates shall be filed with the city clerk for the inspection of the public. Notice in writing shall be given to the owner or owners of the property chargeable with such improvements, if known, and if not known then to the occupants thereof, and by advertising in the official paper of the city for twenty days, requiring such owners or occupants to perform the work so ordered within reasonable time after the service of such notice or the publication thereof as aforesaid, and which time shall not be less than thirty days. In case the work or improvement so ordered shall not be performed by any such owner or occupant, within the time specified in such notice, then, and in that case, the working of such improvement shall be let by contract to the lowest bidder in the manner hereinbefore provided by this act and no work done under the provisions of this section by the owner of adjoining property shall be deemed completed until accepted in writing by the street commissioner.

Section four
of sub-chapter
7 amended.

SECTION 7. Section 4, of said sub-chapter 7, is hereby amended so as to read as follows: Sec-

tion 4. Whenever any special improvement has been made under contract as provided in this act, and the same has been accepted and the work approved by the street commissioner and city surveyor, the contract price therefor shall be paid from the general fund of the city, and charged to the property liable for said improvement, and shall be assessed against such property in the next general tax roll of said city, and collected with other taxes chargeable thereon, and if notices to perform the work or make the improvements have been given as hereinbefore provided, no informality, error or irregularity in the proceedings shall invalidate or vitiate any such assessment.

SECTION 8. Sections 5, 6, and 7, of said sub-chapter 7, are hereby repealed.

Sections five, six and seven repealed.

SECTION 9. Section 6, of sub-chapter 10, of said chapter 162, is hereby amended so as to read as follows, viz.: Section 6. All property in said city, real, personal and mixed, except such as may be exempt by the laws of the state, shall be subject to taxation for all purposes authorized by law, and the same shall be assessed in the manner hereinafter provided by the assessor elected under this act, who shall have and possess the same powers that are or may be conferred upon township assessors, and shall have the power, and it is hereby made his duty to assess a poll tax of one dollar upon each male inhabitant of said city between the ages of twenty-one and fifty years, unless specially exempted by law, and any person claiming exemption from such poll tax shall make and present an affidavit to that effect to the board of equalization, and such board shall be the sole judge of the fact.

Section six of sub-chapter ten amended.

SECTION 10. Said chapter 162, is hereby further amended by adding thereto a sub-chapter to be known as chapter 14, and which reads as follows:

Further amended.

CHAPTER XIV.

OF PUBLIC SCHOOLS — BOARD OF EDUCATION.

SECTION 1. The board of education shall consist of six school commissioners elected under the provisions of section 1, of sub-chapter 3, as amended by this act, who shall hold their offices for the term of two years, and until their successors are

Nature of the amendment.

elected and qualified; provided that the commissioners elected by the city at large and by the even numbered wards at the next annual charter election after the passage of this act shall only hold their offices for the term of one year, and at each annual charter election thereafter three members of said board shall be elected in place of those whose term expires in that year, and any vacancy then existing in said board shall be filled by the election of a commissioner in the ward or district where such vacancy exists, who shall only hold the office for the unexpired portion of the term of his predecessor. Any vacancy occurring in said board shall be filled until the next charter election by appointment of said board by two-thirds vote of said board and a majority of said board shall be a quorum for the transaction of all business.

Term of office defined.

SECTION 2. The term of office of said school commissioners shall commence within fifteen days after their election, and upon the first Monday of July, A. D. 1885, the present school officers of the public schools within said city shall render to said board of education a full account of all real and personal property, money and effects of the school districts of which they are officers, and turn said property, money and effects over to said board, who shall deposit the money with the city treasurer upon the account of the city school fund. Upon said first Monday of July, 1885, all the terms of office of school district officers of the school districts in said city shall cease, and thenceforth such district offices are abolished in said city, and the said board of education shall succeed to all the duties, liabilities and responsibilities of the school districts whose property they receive under the provisions of this act; provided, that the said board of education shall not before said first Monday of July, 1885, exercise or possess any power or jurisdiction over the public schools of said city.

CITY SUPERINTENDENT OF SCHOOLS.

City superintendent of schools.

SECTION 3. The school commissioners shall, at their first regular meeting in each year, or within fifteen days thereafter, elect some person with the necessary qualifications as city superintendent

of schools whose term of office shall commence on the first Monday of August of the year in which he is elected, and who shall hold his office for one year and until his successor shall be elected and qualified, unless sooner removed by a two-thirds vote of all the members elect of the board of education, for misconduct or other sufficient cause.

PRESIDENT OF BOARD.

SECTION 4. The board of education shall at its first regular meeting in each year, elect one of its members president, who shall preside at all meetings of the board, preserve order and decide all questions of order subject only to appeal to the board. He shall countersign all orders drawn on the school fund. He shall declare all votes taken on questions before the board, except when the ayes and noes are called. In absence of the president at any meeting the board shall elect a president *pro tempore* with all his powers and duties, except the signing of school orders on the treasurer of said city.

President of the board.

MEETINGS OF THE BOARD.

SECTION 5. The board of education shall have one regular meeting in each month at such time and place as may be designated by them, and such special meetings as may be called by the president or any three members of the board; provided, that no special meeting shall be legal unless each member of the board shall be served with written notice of the time and place of said meeting.

Meetings of the board.

POWERS AND DUTIES OF THE BOARD OF EDUCATION.

SECTION 6. 1st. The board of education shall, at their first meeting, after organization, determine the amount of salary to be paid the city superintendent of schools, per annum, to be paid monthly out of the school fund; and shall annually thereafter fix the amount of his salary at their last regular meeting in the school year. They shall also with said superintendent of schools form a board to examine all applicants for a license

Powers of board of education.

to teach in said city, and no license to teach in said city shall be given to any person unless by authority of said board.

Number of teachers.

2nd. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and the amount of salary to be paid to each, and to hire and to make contracts with the teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by the board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate and one copy thereof filed with the clerk, and the other delivered to the teacher.

Terms of vacation.

3d. To arrange and determine terms and vacations in all public schools; to establish uniformity in the school system, and to require and to secure uniformity of text-books, and to adopt or reject text-books at will.

Rules and regulations.

4th. To establish rules and regulations for the schools not in conflict with the constitution or laws of this state; but the mayor and common council may, in their discretion, do away with, annul or abrogate any such rule or regulation by a two-thirds vote of the whole number of aldermen of the city.

TO MAKE CONTRACTS.

To make contracts.

5th. To make contracts for all fuel, stationery and articles of furniture required for the schools; to make all necessary repairs on school-houses not exceeding one hundred dollars in value for any one school-house; to make contracts for incidental expenses for carrying on the school-houses, such as lighting fires and other janitor's services, and such contracts, when executed, shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education and countersigned by the clerk of said board.

TO AUDIT CLAIMS

To audit claims.

6th. To audit claims and demands upon the school fund.

STATEMENT TO COMMON COUNCIL.

7th. The board of education shall annually, on the first day of November in each year, submit a statement to the mayor and common council, showing the amount of teachers' wages that have accrued and become due during the year, and all other indebtedness accruing on contract or otherwise, that has been made by order of the board; and for that purpose they shall cause entries to be made in a book or books to be provided by the city, of all contracts made with the teachers' and the amount of salary to be paid, and all other expenditures made or authorized by said board, at the time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board; and they shall, at the same time, submit for the consideration of the common council, a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amounts required for teachers' wages, and other items separately and specifically. Nothing in this section shall prevent the mayor or common council from taking into consideration the amount to be received from the state from the income of the school fund, and the amount of the county school tax for the ensuing year.

Shall make statement to common council.

SECTION 7. It shall be the duty of the president and clerk of the board of education to draw orders on the city treasurer, payable out of the school fund for all expenditures that are authorized by this act, after the same shall be audited and allowed by the board of education; provided, that no orders shall be drawn against the school fund after the amount placed in the city treasury shall have become exhausted.

Duties of president and clerk.

SECTION 8. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and any contract made by said board and every contract so made in which any member of said board shall have such interest shall be absolutely void.

No member shall have any interest.

SECTION 9. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of the board, be required for any one school-house

Repairs of houses.

they shall cause a statement to be made, showing the repairs required and an estimate of the cost thereof, to be laid before the common council, and whenever in their opinion another school-house or school-houses shall be required, they shall cause estimates of the cost of a site for such house or houses, and a plan for the proposed building or buildings, together with the estimates of the cost of the same, to be made, and shall submit the same for the consideration of the mayor and common council, who shall forthwith take measures to raise a tax to defray the costs of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a two-thirds vote of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased, or building or buildings be erected; and it shall be the duty of said board, in the name of the city of New London, to enter into contract for making such repairs, or for the erection of such buildings, or for the purpose of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and common council of said city.

DUTIES OF SUPERINTENDENT.

Duties of superintendent defined.

SECTION 10. The duties of the city superintendent of schools shall be as follows:

1st. In conjunction with the board of education to examine all the applicants for teachers' licenses in the branches taught in the public schools of said city, and if approved, give them certificates authorizing them to teach in the city.

2d. To annul a teacher's certificate for cause, provided that such teacher shall have the right of appeal to the board of education.

3d. To visit each school department of said city at least once in each month.

4th. To report for the consideration of the board of education such text books as he may think advisable and proper for the use of the schools, and to report such alterations therein from time to time as he may think most beneficial for the schools in said city.

5th. To report to the board of education at each regular meeting, relative to the condition of the schools under his supervision, and particularly as to the average attendance at each school since the previous regular meeting; to make such recommendations as shall in his judgment conduce to their welfare, and to perform such other duties as may be required of him by the board.

6th. He shall attend to the meetings of the board of education and act as clerk thereof, and there make any suggestions he may deem advisable relative to the government of the schools of said city.

7th. He shall annually, at the time of making the statement of estimates for the ensuing year, apportion the whole amount so estimated between the several towns included in the joint sub-district and the city of New London upon the basis of the equalized assessment of the territory included in said joint district.

SECTION 11. All acts and parts of acts conflicting with the provisions of this act are hereby repealed so far as they conflict with the provisions of this act, and it is further declared to be the intent of this act to deprive the superintendents of schools of Waupaca and Outagamie counties of all jurisdiction over the schools or teachers within said city of New London, and to exempt said city from all taxation on account of the salaries, etc., of said county superintendents. Repealing section.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1885.

[No. 311, S.]

[Published April 18, 1885.]

CHAPTER 224.

AN ACT to amend an act, entitled, "an act to incorporate the city of Elroy."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Amend section 2 of said act, so that when amended it shall read as follows: Section 2. Section two amended.